Form **990-PF**

Department of the Treasury
Internal Revenue Service

# Return of Private Foundation
## or Section 4947(a)(1) Nonexempt Charitable Trust Treated as a Private Foundation

**Note:** The foundation may be able to use a copy of this return to satisfy state reporting requirements

OMB No 1545-0052

**2009**

**For calendar year 2009, or tax year beginning , 2009, and ending , 20**

G Check all that apply: ☐ Initial return ☐ Initial return of a former public charity ☐ Final return
☐ Amended return ☐ Address change ☐ Name change

Use the IRS label. Otherwise, print or type. See Specific Instructions.

Name of foundation: THE RUBIN FAMILY FOUNDATION, INC.

Number and street (or P O box number if mail is not delivered to street address): 1441 59TH STREET

Room/suite:

City or town, state, and ZIP code: BROOKLYN, NY 11219

**A Employer identification number:** 11-3047773

**B** Telephone number (see page 10 of the instructions): ( ) -

**C** If exemption application is pending, check here ▶ ☐

**D** 1. Foreign organizations, check here ▶ ☐

2. Foreign organizations meeting the 85% test, check here and attach computation ▶ ☐

**E** If private foundation status was terminated under section 507(b)(1)(A), check here ▶ ☐

**F** If the foundation is in a 60-month termination under section 507(b)(1)(B), check here ▶ ☐

**H** Check type of organization: ☒ Section 501(c)(3) exempt private foundation
☐ Section 4947(a)(1) nonexempt charitable trust ☐ Other taxable private foundation

**I** Fair market value of all assets at end of year *(from Part II, col (c), line 16)* ▶ $ 22,139,222.

**J** Accounting method: ☒ Cash ☐ Accrual
☐ Other (specify) ____________________
*(Part I, column (d) must be on cash basis )*

**Part I Analysis of Revenue and Expenses** *(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a) (see page 11 of the instructions) )*

| | | (a) Revenue and expenses per books | (b) Net investment income | (c) Adjusted net income | (d) Disbursements for charitable purposes (cash basis only) |
|---|---|---|---|---|---|
| Revenue | 1 Contributions, gifts, grants, etc , received (attach schedule) | 1,757,500. | | | |
| | 2 Check ▶ ☐ if the foundation is **not** required to attach Sch B | | | | |
| | 3 Interest on savings and temporary cash investments | 28,062. | 28,062. | | ATCH 1 |
| | 4 Dividends and interest from securities | 334,615. | 334,615. | | ATCH 2 |
| | 5a Gross rents | | | | |
| | b Net rental income or (loss) | | | | |
| | 6a Net gain or (loss) from sale of assets not on line 10 | -728,743. | | | |
| | b Gross sales price for all assets on line 6a 759,331. | | | | |
| | 7 Capital gain net income (from Part IV, line 2) | | | | |
| | 8 Net short-term capital gain | | | | |
| | 9 Income modifications | | | | |
| | 10a Gross sales less returns and allowances | | | | |
| | b Less Cost of goods sold | | | | |
| | c Gross profit or (loss) (attach schedule) | | | | |
| | 11 Other income (attach schedule) | -2,538. | 6,266. | | ATCH 3 |
| | 12 **Total.** Add lines 1 through 11 | 1,388,896. | 368,943. | | |
| Operating and Administrative Expenses | 13 Compensation of officers, directors, trustees, etc | 0 | | | |
| | 14 Other employee salaries and wages | | | | |
| | 15 Pension plans, employee benefits | | | | |
| | 16a Legal fees (attach schedule) | | | | |
| | b Accounting fees (attach schedule) | 15,000. | 7,500. | 0. | 7,500. |
| | c Other professional fees (attach schedule) * | 46,744. | 46,744. | | |
| | 17 Interest ATTACHMENT 5 | 24,532. | 24,395. | | |
| | 18 Taxes (attach schedule) (see page 14 of the instructions) ** | 6,913. | | | |
| | 19 Depreciation (attach schedule) and depletion | | | | |
| | 20 Occupancy | | | | |
| | 21 Travel, conferences, and meetings | | | | |
| | 22 Printing and publications | | | | |
| | 23 Other expenses (attach schedule) ATCH 7 | 121,227. | 118,579. | | 1,500. |
| | 24 **Total operating and administrative expenses.** Add lines 13 through 23 | 214,416. | 197,218. | 0. | 9,000. |
| | 25 Contributions, gifts, grants paid | 826,543. | | | 826,543. |
| | 26 **Total expenses and disbursements.** Add lines 24 and 25 | 1,040,959. | 197,218. | 0. | 835,543. |
| | 27 Subtract line 26 from line 12 | | | | |
| | a **Excess of revenue over expenses and disbursements** | 347,937. | | | |
| | b **Net investment income** (if negative, enter -0-) | | 171,725. | | |
| | c **Adjusted net income** (if negative, enter -0-) | | | -0- | |

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**For Privacy Act and Paperwork Reduction Act Notice, see page 30 of the instructions.** * ATCH 4 JSA ** ATCH 6 Form **990-PF** (2009)

**Part II Balance Sheets** Attached schedules and amounts in the description column should be for end-of-year amounts only (See instructions)

| | | | Beginning of year | End of year | |
|---|---|---|---|---|---|
| | | | (a) Book Value | (b) Book Value | (c) Fair Market Value |
| Assets | 1 | Cash - non-interest-bearing | | | |
| | 2 | Savings and temporary cash investments | 2,113,497. | 3,845,099. | 3,845,099. |
| | 3 | Accounts receivable ▶ | | | |
| | | Less allowance for doubtful accounts ▶ | | | |
| | 4 | Pledges receivable ▶ | | | |
| | | Less allowance for doubtful accounts ▶ | | | |
| | 5 | Grants receivable | | | |
| | 6 | Receivables due from officers, directors, trustees, and other disqualified persons (attach schedule) (see page 16 of the instructions) | | | |
| | 7 | Other notes and loans receivable (attach schedule) ▶ | | | |
| | | Less allowance for doubtful accounts ▶ | | | |
| | 8 | Inventories for sale or use | | | |
| | 9 | Prepaid expenses and deferred charges | | | |
| | 10 a | Investments - U S and state government obligations (attach schedule) | | | |
| | b | Investments - corporate stock (attach schedule) ATCH 8 | 9,073,310. | 8,601,267. | 7,609,512. |
| | c | Investments - corporate bonds (attach schedule) | | | |
| | 11 | Investments - land, buildings, and equipment basis ▶ | | | |
| | | Less accumulated depreciation (attach schedule) ▶ | | | |
| | 12 | Investments - mortgage loans | | | |
| | 13 | Investments - other (attach schedule) ATCH 9 | 9,565,530. | 8,653,908. | 10,684,611. |
| | 14 | Land, buildings, and equipment basis ▶ | | | |
| | | Less accumulated depreciation (attach schedule) ▶ | | | |
| | 15 | Other assets (describe ▶ ) | | | |
| | 16 | **Total assets** (to be completed by all filers - see the instructions Also, see page 1, item I) | 20,752,337. | 21,100,274. | 22,139,222. |
| Liabilities | 17 | Accounts payable and accrued expenses | | | |
| | 18 | Grants payable | | | |
| | 19 | Deferred revenue | | | |
| | 20 | Loans from officers, directors, trustees, and other disqualified persons | | | |
| | 21 | Mortgages and other notes payable (attach schedule) | | | |
| | 22 | Other liabilities (describe ▶ ) | | | |
| | 23 | **Total liabilities** (add lines 17 through 22) | | | |
| Net Assets or Fund Balances | | **Foundations that follow SFAS 117, check here ▶ [ ] and complete lines 24 through 26 and lines 30 and 31.** | | | |
| | 24 | Unrestricted | | | |
| | 25 | Temporarily restricted | | | |
| | 26 | Permanently restricted | | | |
| | | **Foundations that do not follow SFAS 117, check here and complete lines 27 through 31. ▶ [X]** | | | |
| | 27 | Capital stock, trust principal, or current funds | | | |
| | 28 | Paid-in or capital surplus, or land, bldg, and equipment fund | | | |
| | 29 | Retained earnings, accumulated income, endowment, or other funds | 20,752,337. | 21,100,274. | |
| | 30 | **Total net assets or fund balances** (see page 17 of the instructions) | 20,752,337. | 21,100,274. | |
| | 31 | **Total liabilities and net assets/fund balances** (see page 17 of the instructions) | 20,752,337. | 21,100,274. | |

**Part III Analysis of Changes in Net Assets or Fund Balances**

| | | | |
|---|---|---|---|
| 1 | Total net assets or fund balances at beginning of year - Part II, column (a), line 30 (must agree with end-of-year figure reported on prior year's return) | 1 | 20,752,337. |
| 2 | Enter amount from Part I, line 27a | 2 | 347,937. |
| 3 | Other increases not included in line 2 (itemize) ▶ | 3 | |
| 4 | Add lines 1, 2, and 3 | 4 | 21,100,274. |
| 5 | Decreases not included in line 2 (itemize) ▶ | 5 | |
| 6 | Total net assets or fund balances at end of year (line 4 minus line 5) - Part II, column (b), line 30 | 6 | 21,100,274. |

## Part IV Capital Gains and Losses for Tax on Investment Income

| | (a) List and describe the kind(s) of property sold (e g , real estate, 2-story brick warehouse, or common stock, 200 shs MLC Co ) | (b) How acquired P-Purchase D-Donation | (c) Date acquired (mo , day, yr ) | (d) Date sold (mo , day, yr ) |
|---|---|---|---|---|
| 1a | SEE PART IV SCHEDULE | | | |
| b | | | | |
| c | | | | |
| d | | | | |
| e | | | | |

| | (e) Gross sales price | (f) Depreciation allowed (or allowable) | (g) Cost or other basis plus expense of sale | (h) Gain or (loss) (e) plus (f) minus (g) |
|---|---|---|---|---|
| a | | | | |
| b | | | | |
| c | | | | |
| d | | | | |
| e | | | | |

Complete only for assets showing gain in column (h) and owned by the foundation on 12/31/69

| | (i) F M V as of 12/31/69 | (j) Adjusted basis as of 12/31/69 | (k) Excess of col (i) over col (j), if any | (l) Gains (Col (h) gain minus col (k), but not less than -0-) or Losses (from col (h)) |
|---|---|---|---|---|
| a | | | | |
| b | | | | |
| c | | | | |
| d | | | | |
| e | | | | |

| | | | |
|---|---|---|---|
| 2 Capital gain net income or (net capital loss) | If gain, also enter in Part I, line 7<br>If (loss), enter -0- in Part I, line 7 | 2 | -728,743. |
| 3 Net short-term capital gain or (loss) as defined in sections 1222(5) and (6):<br>If gain, also enter in Part I, line 8, column (c) (see pages 13 and 17 of the instructions).<br>If (loss), enter -0- in Part I, line 8 | | 3 | |

## Part V Qualification Under Section 4940(e) for Reduced Tax on Net Investment Income

(For optional use by domestic private foundations subject to the section 4940(a) tax on net investment income.)

If section 4940(d)(2) applies, leave this part blank.

Was the foundation liable for the section 4942 tax on the distributable amount of any year in the base period? ☐ Yes ☒ No

If "Yes," the foundation does not qualify under section 4940(e). Do not complete this part

1 Enter the appropriate amount in each column for each year; see page 18 of the instructions before making any entries

| (a) Base period years Calendar year (or tax year beginning in) | (b) Adjusted qualifying distributions | (c) Net value of noncharitable-use assets | (d) Distribution ratio (col (b) divided by col (c)) |
|---|---|---|---|
| 2008 | 491,162. | 21,358,163. | 0.022996 |
| 2007 | 461,609. | 27,050,368. | 0.017065 |
| 2006 | 1,571,977. | 29,810,806. | 0.052732 |
| 2005 | 2,869,837. | 25,757,112. | 0.111419 |
| 2004 | 861,052. | 21,248,762. | 0.040522 |

| | | | |
|---|---|---|---|
| 2 | **Total** of line 1, column (d) | 2 | 0.244734 |
| 3 | Average distribution ratio for the 5-year base period - divide the total on line 2 by 5, or by the number of years the foundation has been in existence if less than 5 years | 3 | 0.048947 |
| 4 | Enter the net value of noncharitable-use assets for 2009 from Part X, line 5 | 4 | 17,787,896. |
| 5 | Multiply line 4 by line 3 | 5 | 870,664. |
| 6 | Enter 1% of net investment income (1% of Part I, line 27b) | 6 | 1,717. |
| 7 | Add lines 5 and 6 | 7 | 872,381. |
| 8 | Enter qualifying distributions from Part XII, line 4 | 8 | 835,543. |

If line 8 is equal to or greater than line 7, check the box in Part VI, line 1b, and complete that part using a 1% tax rate. See the Part VI instructions on page 18.

## Part VI Excise Tax Based on Investment Income (Section 4940(a), 4940(b), 4940(e), or 4948 - see page 18 of the instructions)

| | | | |
|---|---|---|---|
| 1a | Exempt operating foundations described in section 4940(d)(2), check here ▶ ☐ and enter "N/A" on line 1. Date of ruling or determination letter ____________ (attach copy of ruling letter if necessary - see instructions) | | |
| b | Domestic foundations that meet the section 4940(e) requirements in Part V, check here ▶ ☐ and enter 1% of Part I, line 27b | 1 | 3,435. |
| c | All other domestic foundations enter 2% of line 27b Exempt foreign organizations enter 4% of Part I, line 12, col (b) | | |
| 2 | Tax under section 511 (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-) | 2 | |
| 3 | Add lines 1 and 2 | 3 | 3,435. |
| 4 | Subtitle A (income) tax (domestic section 4947(a)(1) trusts and taxable foundations only Others enter -0-) | 4 | 0. |
| 5 | **Tax based on investment income.** Subtract line 4 from line 3 If zero or less, enter -0- | 5 | 3,435. |
| 6 | Credits/Payments | | |
| a | 2009 estimated tax payments and 2008 overpayment credited to 2009 — 6a: 17,051. | | |
| b | Exempt foreign organizations-tax withheld at source — 6b: 0. | | |
| c | Tax paid with application for extension of time to file (Form 8868) — 6c: 0. | | |
| d | Backup withholding erroneously withheld — 6d: | | |
| 7 | Total credits and payments Add lines 6a through 6d | 7 | 17,051. |
| 8 | Enter any **penalty** for underpayment of estimated tax. Check here ☐ if Form 2220 is attached | 8 | |
| 9 | **Tax due.** If the total of lines 5 and 8 is more than line 7, enter **amount owed** ▶ | 9 | |
| 10 | **Overpayment.** If line 7 is more than the total of lines 5 and 8, enter the **amount overpaid** ▶ | 10 | 13,616. |
| 11 | Enter the amount of line 10 to be **Credited to 2010 estimated tax** ▶ 13,616. **Refunded** ▶ | 11 | |

## Part VII-A Statements Regarding Activities

| | | | Yes | No |
|---|---|---|---|---|
| 1a | During the tax year, did the foundation attempt to influence any national, state, or local legislation or did it participate or intervene in any political campaign? | 1a | | X |
| b | Did it spend more than $100 during the year (either directly or indirectly) for political purposes (see page 19 of the instructions for definition)? | 1b | | X |
| | *If the answer is "Yes" to **1a** or **1b**, attach a detailed description of the activities and copies of any materials published or distributed by the foundation in connection with the activities* | | | |
| c | Did the foundation file **Form 1120-POL** for this year? | 1c | | X |
| d | Enter the amount (if any) of tax on political expenditures (section 4955) imposed during the year (1) On the foundation ▶$ ________ (2) On foundation managers ▶$ ________ | | | |
| e | Enter the reimbursement (if any) paid by the foundation during the year for political expenditure tax imposed on foundation managers ▶$ ________ | | | |
| 2 | Has the foundation engaged in any activities that have not previously been reported to the IRS? *If "Yes," attach a detailed description of the activities* | 2 | | X |
| 3 | Has the foundation made any changes, not previously reported to the IRS, in its governing instrument, articles of incorporation, or bylaws, or other similar instruments? *If "Yes," attach a conformed copy of the changes* | 3 | | X |
| 4a | Did the foundation have unrelated business gross income of $1,000 or more during the year? | 4a | X | |
| b | If "Yes," has it filed a tax return on **Form 990-T** for this year? | 4b | X | |
| 5 | Was there a liquidation, termination, dissolution, or substantial contraction during the year? *If "Yes," attach the statement required by General Instruction T* | 5 | | X |
| 6 | Are the requirements of section 508(e) (relating to sections 4941 through 4945) satisfied either • By language in the governing instrument, or • By state legislation that effectively amends the governing instrument so that no mandatory directions that conflict with the state law remain in the governing instrument? | 6 | | X |
| 7 | Did the foundation have at least $5,000 in assets at any time during the year? *If "Yes," complete Part II, col. (c), and Part XV* | 7 | X | |
| 8a | Enter the states to which the foundation reports or with which it is registered (see page 19 of the instructions) ▶ NY, | | | |
| b | If the answer is "Yes" to line 7, has the foundation furnished a copy of Form 990-PF to the Attorney General (or designate) of each state as required by *General Instruction G? If "No," attach explanation* | 8b | X | |
| 9 | Is the foundation claiming status as a private operating foundation within the meaning of section 4942(j)(3) or 4942(j)(5) for calendar year 2009 or the taxable year beginning in 2009 (see instructions for Part XIV on page 27)? *If "Yes," complete Part XIV* | 9 | | X |
| 10 | Did any persons become substantial contributors during the tax year? *If "Yes," attach a schedule listing their names and addresses* | 10 | | X |

**Part VII-A Statements Regarding Activities** *(continued)*

| | | | Yes | No |
|---|---|---|---|---|
| 11 | At any time during the year, did the foundation, directly or indirectly, own a controlled entity within the meaning of section 512(b)(13)? If "Yes," attach schedule (see page 20 of the instructions) | 11 | | X |
| 12 | Did the foundation acquire a direct or indirect interest in any applicable insurance contract before August 17, 2008? | 12 | | X |
| 13 | Did the foundation comply with the public inspection requirements for its annual returns and exemption application? | 13 | X | |

Website address ▶ N/A

14 The books are in care of ▶ THE RUBIN FAMILY FOUNDATION Telephone no ▶ 718-471-7400

Located at ▶ 1441 59TH STREET, BROOKLYN, NY ZIP + 4 ▶ 11219

15 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-PF in lieu of Form 1041 - Check here ▶ ☐
and enter the amount of tax-exempt interest received or accrued during the year ▶ 15

**Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required**

**File Form 4720 if any item is checked in the "Yes" column, unless an exception applies.**

| | | | Yes | No |
|---|---|---|---|---|
| 1a | During the year did the foundation (either directly or indirectly) | | | |
| | (1) Engage in the sale or exchange, or leasing of property with a disqualified person? ☐ Yes ☒ No | | | |
| | (2) Borrow money from, lend money to, or otherwise extend credit to (or accept it from) a disqualified person? ☐ Yes ☒ No | | | |
| | (3) Furnish goods, services, or facilities to (or accept them from) a disqualified person? ☐ Yes ☒ No | | | |
| | (4) Pay compensation to, or pay or reimburse the expenses of, a disqualified person? ☐ Yes ☒ No | | | |
| | (5) Transfer any income or assets to a disqualified person (or make any of either available for the benefit or use of a disqualified person)? ☐ Yes ☒ No | | | |
| | (6) Agree to pay money or property to a government official? (**Exception.** Check "No" if the foundation agreed to make a grant to or to employ the official for a period after termination of government service, if terminating within 90 days ) ☐ Yes ☒ No | | | |
| b | If any answer is "Yes" to 1a(1)-(6), did any of the acts fail to qualify under the exceptions described in Regulations section 53 4941(d)-3 or in a current notice regarding disaster assistance (see page 20 of the instructions)? | 1b | | |
| | Organizations relying on a current notice regarding disaster assistance check here ▶ ☐ | | | |
| c | Did the foundation engage in a prior year in any of the acts described in 1a, other than excepted acts, that were not corrected before the first day of the tax year beginning in 2009? | 1c | | X |
| 2 | Taxes on failure to distribute income (section 4942) (does not apply for years the foundation was a private operating foundation defined in section 4942(j)(3) or 4942(j)(5)) | | | |
| a | At the end of tax year 2009, did the foundation have any undistributed income (lines 6d and 6e, Part XIII) for tax year(s) beginning before 2009? ☐ Yes ☒ No<br>If "Yes," list the years ▶ | | | |
| b | Are there any years listed in 2a for which the foundation is **not** applying the provisions of section 4942(a)(2) (relating to incorrect valuation of assets) to the year's undistributed income? (If applying section 4942(a)(2) to **all** years listed, answer "No" and attach statement - see page 20 of the instructions ) | 2b | | |
| c | If the provisions of section 4942(a)(2) are being applied to **any** of the years listed in 2a, list the years here ▶ | | | |
| 3a | Did the foundation hold more than a 2% direct or indirect interest in any business enterprise at any time during the year? ☐ Yes ☒ No | | | |
| b | If "Yes," did it have excess business holdings in 2009 as a result of **(1)** any purchase by the foundation or disqualified persons after May 26, 1969, **(2)** the lapse of the 5-year period (or longer period approved by the Commissioner under section 4943(c)(7)) to dispose of holdings acquired by gift or bequest, or **(3)** the lapse of the 10-, 15-, or 20-year first phase holding period? *(Use Schedule C, Form 4720, to determine if the foundation had excess business holdings in 2009 )* | 3b | | X |
| 4a | Did the foundation invest during the year any amount in a manner that would jeopardize its charitable purposes? | 4a | | X |
| b | Did the foundation make any investment in a prior year (but after December 31, 1969) that could jeopardize its charitable purpose that had not been removed from jeopardy before the first day of the tax year beginning in 2009? | 4b | | X |

**Part VII-B Statements Regarding Activities for Which Form 4720 May Be Required** *(continued)*

5a During the year did the foundation pay or incur any amount to

(1) Carry on propaganda, or otherwise attempt to influence legislation (section 4945(e))? Yes [ ] No [X]

(2) Influence the outcome of any specific public election (see section 4955), or to carry on, directly or indirectly, any voter registration drive? Yes [ ] No [X]

(3) Provide a grant to an individual for travel, study, or other similar purposes? Yes [ ] No [X]

(4) Provide a grant to an organization other than a charitable, etc, organization described in section 509(a)(1), (2), or (3), or section 4940(d)(2)? (see page 22 of the instructions) Yes [ ] No [X]

(5) Provide for any purpose other than religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals? Yes [ ] No [X]

b If any answer is "Yes" to 5a(1)-(5), did any of the transactions fail to qualify under the exceptions described in Regulations section 53 4945 or in a current notice regarding disaster assistance (see page 22 of the instructions)? **5b**

Organizations relying on a current notice regarding disaster assistance check here ▶ [ ]

c If the answer is "Yes" to question 5a(4), does the foundation claim exemption from the tax because it maintained expenditure responsibility for the grant? Yes [ ] No [X]

*If "Yes," attach the statement required by Regulations section 53 4945-5(d)*

6a Did the foundation, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? Yes [ ] No [X]

b Did the foundation, during the year, pay premiums, directly or indirectly, on a personal benefit contract? **6b** No: X

*If "Yes" to 6b, file Form 8870*

7a At any time during the tax year, was the foundation a party to a prohibited tax shelter transaction? Yes [ ] No [X]

b If yes, did the foundation receive any proceeds or have any net income attributable to the transaction? **7b** No: X

**Part VIII Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors**

**1 List all officers, directors, trustees, foundation managers and their compensation (see page 22 of the instructions).**

| (a) Name and address | (b) Title, and average hours per week devoted to position | (c) Compensation (If not paid, enter -0-) | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account, other allowances |
|---|---|---|---|---|
| ATTACHMENT 10 | | 0. | 0. | 0. |
| | | | | |
| | | | | |
| | | | | |

**2 Compensation of five highest-paid employees (other than those included on line 1 - see page 23 of the instructions). If none, enter "NONE."**

| (a) Name and address of each employee paid more than $50,000 | (b) Title, and average hours per week devoted to position | (c) Compensation | (d) Contributions to employee benefit plans and deferred compensation | (e) Expense account, other allowances |
|---|---|---|---|---|
| NONE<br>NONE | NONE | 0. | 0. | 0. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**Total** number of other employees paid over $50,000 ▶ NONE

**Part VIII** **Information About Officers, Directors, Trustees, Foundation Managers, Highly Paid Employees, and Contractors** *(continued)*

**3 Five highest-paid independent contractors for professional services (see page 23 of the instructions). If none, enter "NONE."**

| (a) Name and address of each person paid more than $50,000 | (b) Type of service | (c) Compensation |
|---|---|---|
| NONE<br>NONE | NONE | 0. |
| | | |
| | | |
| | | |
| | | |

**Total** number of others receiving over $50,000 for professional services ▶ NONE

**Part IX-A** **Summary of Direct Charitable Activities**

| List the foundation's four largest direct charitable activities during the tax year Include relevant statistical information such as the number of organizations and other beneficiaries served, conferences convened, research papers produced, etc | Expenses |
|---|---|
| 1 NOT APPLICABLE | |
| 2 | |
| 3 | |
| 4 | |

**Part IX-B** **Summary of Program-Related Investments** (see page 23 of the instructions)

| Describe the two largest program-related investments made by the foundation during the tax year on lines 1 and 2 | Amount |
|---|---|
| 1 NOT APPLICABLE | |
| 2 | |
| All other program-related investments See page 24 of the instructions<br>3 NONE | |
| **Total.** Add lines 1 through 3 ▶ | |

## Part X Minimum Investment Return (All domestic foundations must complete this part. Foreign foundations, see page 24 of the instructions.)

| | | | |
|---|---|---|---|
| 1 | Fair market value of assets not used (or held for use) directly in carrying out charitable, etc., purposes: | | |
| a | Average monthly fair market value of securities | 1a | 6,529,279. |
| b | Average of monthly cash balances | 1b | 2,359,615. |
| c | Fair market value of all other assets (see page 24 of the instructions) | 1c | 9,169,884. |
| d | **Total** (add lines 1a, b, and c) | 1d | 18,058,778. |
| e | Reduction claimed for blockage or other factors reported on lines 1a and 1c (attach detailed explanation) 1e | | |
| 2 | Acquisition indebtedness applicable to line 1 assets | 2 | 0. |
| 3 | Subtract line 2 from line 1d | 3 | 18,058,778. |
| 4 | Cash deemed held for charitable activities Enter 1 1/2 % of line 3 (for greater amount, see page 25 of the instructions) | 4 | 270,882. |
| 5 | **Net value of noncharitable-use assets.** Subtract line 4 from line 3. Enter here and on Part V, line 4 | 5 | 17,787,896. |
| 6 | **Minimum investment return.** Enter 5% of line 5 | 6 | 889,395. |

## Part XI Distributable Amount (see page 25 of the instructions) (Section 4942(j)(3) and (j)(5) private operating foundations and certain foreign organizations check here ▶ ☐ and do not complete this part.)

| | | | | | |
|---|---|---|---|---|---|
| 1 | Minimum investment return from Part X, line 6 | | | 1 | 889,395. |
| 2a | Tax on investment income for 2009 from Part VI, line 5 | 2a | 3,435. | | |
| b | Income tax for 2009 (This does not include the tax from Part VI.) | 2b | | | |
| c | Add lines 2a and 2b | | | 2c | 3,435. |
| 3 | Distributable amount before adjustments. Subtract line 2c from line 1 | | | 3 | 885,960. |
| 4 | Recoveries of amounts treated as qualifying distributions | | | 4 | |
| 5 | Add lines 3 and 4 | | | 5 | 885,960. |
| 6 | Deduction from distributable amount (see page 25 of the instructions) | | | 6 | |
| 7 | **Distributable amount** as adjusted Subtract line 6 from line 5. Enter here and on Part XIII, line 1 | | | 7 | 885,960. |

## Part XII Qualifying Distributions (see page 25 of the instructions)

| | | | |
|---|---|---|---|
| 1 | Amounts paid (including administrative expenses) to accomplish charitable, etc., purposes: | | |
| a | Expenses, contributions, gifts, etc - total from Part I, column (d), line 26 | 1a | 835,543. |
| b | Program-related investments - total from Part IX-B | 1b | 0. |
| 2 | Amounts paid to acquire assets used (or held for use) directly in carrying out charitable, etc., purposes | 2 | 0. |
| 3 | Amounts set aside for specific charitable projects that satisfy the: | | |
| a | Suitability test (prior IRS approval required) | 3a | 0. |
| b | Cash distribution test (attach the required schedule) | 3b | 0. |
| 4 | **Qualifying distributions.** Add lines 1a through 3b Enter here and on Part V, line 8, and Part XIII, line 4 | 4 | 835,543. |
| 5 | Foundations that qualify under section 4940(e) for the reduced rate of tax on net investment income. Enter 1% of Part I, line 27b (see page 26 of the instructions) | 5 | N/A |
| 6 | **Adjusted qualifying distributions.** Subtract line 5 from line 4 | 6 | 835,543. |

**Note:** The amount on line 6 will be used in Part V, column (b), in subsequent years when calculating whether the foundation qualifies for the section 4940(e) reduction of tax in those years

**Part XIII Undistributed Income** (see page 26 of the instructions)

| | (a) Corpus | (b) Years prior to 2008 | (c) 2008 | (d) 2009 |
|---|---|---|---|---|
| 1 Distributable amount for 2009 from Part XI, line 7 | | | | 885,960. |
| 2 Undistributed income, if any, as of the end of 2009 | | | | |
| a Enter amount for 2008 only | | | 677,280. | |
| b Total for prior years 20 07 ,20 06 ,20 05 | | | | |
| 3 Excess distributions carryover, if any, to 2009 | | | | |
| a From 2004 | | | | |
| b From 2005 | | | | |
| c From 2006 | | | | |
| d From 2007 | | | | |
| e From 2008 0. | | | | |
| f Total of lines 3a through e | 0. | | | |
| 4 Qualifying distributions for 2009 from Part XII, line 4 ▶ $ 835,543. | | | | |
| a Applied to 2008, but not more than line 2a | | | 677,280. | |
| b Applied to undistributed income of prior years (Election required - see page 26 of the instructions) | | | | |
| c Treated as distributions out of corpus (Election required - see page 26 of the instructions) | | | | |
| d Applied to 2009 distributable amount | | | | 158,263. |
| e Remaining amount distributed out of corpus | 0. | | | |
| 5 Excess distributions carryover applied to 2009 *(If an amount appears in column (d), the same amount must be shown in column (a).)* | 0. | | | 0. |
| 6 **Enter the net total of each column as indicated below:** | | | | |
| a Corpus Add lines 3f, 4c, and 4e Subtract line 5 | 0. | | | |
| b Prior years' undistributed income Subtract line 4b from line 2b | | | | |
| c Enter the amount of prior years' undistributed income for which a notice of deficiency has been issued, or on which the section 4942(a) tax has been previously assessed | | | | |
| d Subtract line 6c from line 6b Taxable amount - see page 27 of the instructions | | | | |
| e Undistributed income for 2008 Subtract line 4a from line 2a Taxable amount - see page 27 of the instructions | | | | |
| f Undistributed income for 2009 Subtract lines 4d and 5 from line 1 This amount must be distributed in 2010 | | | | 727,697. |
| 7 Amounts treated as distributions out of corpus to satisfy requirements imposed by section 170(b)(1)(F) or 4942(g)(3) (see page 27 of the instructions) | | | | |
| 8 Excess distributions carryover from 2004 not applied on line 5 or line 7 (see page 27 of the instructions) | | | | |
| 9 **Excess distributions carryover to 2010.** Subtract lines 7 and 8 from line 6a | 0. | | | |
| 10 Analysis of line 9 | | | | |
| a Excess from 2005 | | | | |
| b Excess from 2006 | | | | |
| c Excess from 2007 | | | | |
| d Excess from 2008 | | | | |
| e Excess from 2009 0. | | | | |

**Part XIV Private Operating Foundations** (see page 27 of the instructions and Part VII-A, question 9) NOT APPLICABLE

1a If the foundation has received a ruling or determination letter that it is a private operating foundation, and the ruling is effective for 2009, enter the date of the ruling ▶

b Check box to indicate whether the foundation is a private operating foundation described in section ☐ 4942(j)(3) or ☐ 4942(j)(5)

| | Tax year | Prior 3 years | | | (e) Total |
|---|---|---|---|---|---|
| | (a) 2009 | (b) 2008 | (c) 2007 | (d) 2006 | |
| 2a Enter the lesser of the adjusted net income from Part I or the minimum investment return from Part X for each year listed | | | | | |
| b 85% of line 2a | | | | | |
| c Qualifying distributions from Part XII, line 4 for each year listed | | | | | |
| d Amounts included in line 2c not used directly for active conduct of exempt activities | | | | | |
| e Qualifying distributions made directly for active conduct of exempt activities Subtract line 2d from line 2c | | | | | |
| 3 Complete 3a, b, or c for the alternative test relied upon | | | | | |
| a "Assets" alternative test - enter (1) Value of all assets | | | | | |
| (2) Value of assets qualifying under section 4942(j)(3)(B)(i) | | | | | |
| b "Endowment" alternative test- enter 2/3 of minimum investment return shown in Part X, line 6 for each year listed | | | | | |
| c "Support" alternative test - enter (1) Total support other than gross investment income (interest, dividends, rents, payments on securities loans (section 512(a)(5)), or royalties) | | | | | |
| (2) Support from general public and 5 or more exempt organizations as provided in section 4942 (j)(3)(B)(iii) | | | | | |
| (3) Largest amount of support from an exempt organization | | | | | |
| (4) Gross investment income | | | | | |

**Part XV Supplementary Information (Complete this part only if the foundation had $5,000 or more in assets at any time during the year - see page 28 of the instructions.)**

**1 Information Regarding Foundation Managers:**

a List any managers of the foundation who have contributed more than 2% of the total contributions received by the foundation before the close of any tax year (but only if they have contributed more than $5,000). (See section 507(d)(2) )

LEIBEL RUBIN

b List any managers of the foundation who own 10% or more of the stock of a corporation (or an equally large portion of the ownership of a partnership or other entity) of which the foundation has a 10% or greater interest.

N/A

**2 Information Regarding Contribution, Grant, Gift, Loan, Scholarship, etc., Programs:**

Check here ▶ ☒ if the foundation only makes contributions to preselected charitable organizations and does not accept unsolicited requests for funds. If the foundation makes gifts, grants, etc (see page 28 of the instructions) to individuals or organizations under other conditions, complete items 2a, b, c, and d

a The name, address, and telephone number of the person to whom applications should be addressed:

b The form in which applications should be submitted and information and materials they should include.

c Any submission deadlines:

d Any restrictions or limitations on awards, such as by geographical areas, charitable fields, kinds of institutions, or other factors

**Part XV Supplementary Information** (continued)

**3 Grants and Contributions Paid During the Year or Approved for Future Payment**

| Recipient<br>Name and address (home or business) | If recipient is an individual, show any relationship to any foundation manager or substantial contributor | Foundation status of recipient | Purpose of grant or contribution | Amount |
|---|---|---|---|---|
| *a Paid during the year* | | | | |
| ATTACHMENT 11 | | | | |
| **Total** . . . . . . . . ▶ **3a** | | | | 826,543. |
| *b Approved for future payment* | | | | |
| **Total** . . . . . . . . ▶ **3b** | | | | |

## Part XVI-A Analysis of Income-Producing Activities

| Enter gross amounts unless otherwise indicated. | Unrelated business income (a) Business code | (b) Amount | Excluded by section 512, 513, or 514 (c) Exclusion code | (d) Amount | (e) Related or exempt function income (See page 28 of the instructions ) |
|---|---|---|---|---|---|
| 1 Program service revenue | | | | | |
| a | | | | | |
| b | | | | | |
| c | | | | | |
| d | | | | | |
| e | | | | | |
| f | | | | | |
| g Fees and contracts from government agencies | | | | | |
| 2 Membership dues and assessments | | | | | |
| 3 Interest on savings and temporary cash investments | | | 14 | 28,062. | |
| 4 Dividends and interest from securities | | | 14 | 334,654. | |
| 5 Net rental income or (loss) from real estate: | | | | | |
| a Debt-financed property | | | | | |
| b Not debt-financed property | | | | | |
| 6 Net rental income or (loss) from personal property | | | | | |
| 7 Other investment income | | | | | |
| 8 Gain or (loss) from sales of assets other than inventory | 900000 | -135,505. | 18 | -593,238. | |
| 9 Net income or (loss) from special events | | | | | |
| 10 Gross profit or (loss) from sales of inventory | | | | | |
| 11 Other revenue: a | | | | | |
| b PARTNERSHIP INCOME | 532000 | -1,066,863. | 18 | 85,408. | |
| c BOOK/TAX DIFFERENCE | | | | 1,058,059. | |
| d NET RENTAL LOSS | | | | -79,401. | |
| e OTHER INCOME | | | | 220. | |
| 12 Subtotal Add columns (b), (d), and (e) | | -1,202,368. | | 833,764. | |

13 **Total.** Add line 12, columns (b), (d), and (e) . . . 13 -368,604.

(See worksheet in line 13 instructions on page 28 to verify calculations )

## Part XVI-B Relationship of Activities to the Accomplishment of Exempt Purposes

| Line No. ▼ | Explain below how each activity for which income is reported in column (e) of Part XVI-A contributed importantly to the accomplishment of the foundation's exempt purposes (other than by providing funds for such purposes). (See page 29 of the instructions ) |
|---|---|
| 11 | INCOME EARNED ON INVESTMENTS IS DISTRIBUTED TO BENEFIT |
| | CHARITABLE, RELIGIOUS AND EDUCATIONAL PURPOSES |

## Part XVII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations

| | | | Yes | No |
|---|---|---|---|---|
| 1 | Did the organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations? | | | |
| a | Transfers from the reporting foundation to a noncharitable exempt organization of | | | |
| | (1) Cash | 1a(1) | | X |
| | (2) Other assets | 1a(2) | | X |
| b | Other transactions | | | |
| | (1) Sales of assets to a noncharitable exempt organization | 1b(1) | | X |
| | (2) Purchases of assets from a noncharitable exempt organization | 1b(2) | | X |
| | (3) Rental of facilities, equipment, or other assets | 1b(3) | | X |
| | (4) Reimbursement arrangements | 1b(4) | | X |
| | (5) Loans or loan guarantees | 1b(5) | | X |
| | (6) Performance of services or membership or fundraising solicitations | 1b(6) | | X |
| c | Sharing of facilities, equipment, mailing lists, other assets, or paid employees | 1c | | X |

d If the answer to any of the above is "Yes," complete the following schedule Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting foundation If the foundation received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

| (a) Line no | (b) Amount involved | (c) Name of noncharitable exempt organization | (d) Description of transfers, transactions, and sharing arrangements |
|---|---|---|---|
| | N/A | | N/A |

2a Is the foundation directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ☐ Yes ☒ No

b If "Yes," complete the following schedule

| (a) Name of organization | (b) Type of organization | (c) Description of relationship |
|---|---|---|
| | | |

**Sign Here**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than taxpayer or fiduciary) is based on all information of which preparer has any knowledge

Signature of officer or trustee — Date 11/15/10 — Title TRUSTEE

**Paid Preparer's Use Only**

| | | | |
|---|---|---|---|
| Preparer's signature | Date 11/11/2010 | Check if self-employed ☐ | Preparer's identifying number (See Signature on page 30 of the instructions) P00015167 |
| Firm's name (or yours if self-employed), address, and ZIP code | BRAND SONNENSCHINE LLP<br>299 BROADWAY SUITE 600<br>NEW YORK, NY 10007 | | EIN ▶ 13-3382567<br>Phone no 212-219-0220 |



JSA
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**Schedule B**
**(Form 990, 990-EZ, or 990-PF)**
Department of the Treasury
Internal Revenue Service

# Schedule of Contributors

▶ **Attach to Form 990, 990-EZ, or 990-PF.**

OMB No 1545-0047

**2009**

**Name of the organization**
THE RUBIN FAMILY FOUNDATION, INC.

**Employer identification number**
11-3047773

**Organization type** (check one):

| **Filers of:** | **Section:** |
|---|---|
| Form 990 or 990-EZ | ☐ 501(c)( ) (enter number) organization |
| | ☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation |
| | ☐ 527 political organization |
| Form 990-PF | ☒ 501(c)(3) exempt private foundation |
| | ☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation |
| | ☐ 501(c)(3) taxable private foundation |

Check if your organization is covered by the **General Rule** or a **Special Rule.**
**Note.** Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

**General Rule**

☒ For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor Complete Parts I and II

**Special Rules**

☐ For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3 % support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of **(1)** $5,000 or **(2)** 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1 Complete Parts I and II.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than $1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals Complete Parts I, II, and III.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . ▶ $ ______________

**Caution.** An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Name of organization THE RUBIN FAMILY FOUNDATION, INC.

Employer identification number 11-3047773

## Part I Contributors (see instructions)

| (a) No. | (b) Name, address, and ZIP + 4 | (c) Aggregate contributions | (d) Type of contribution |
|---|---|---|---|
| 1 | LIEBEL RUBIN<br>1441 59TH ST.<br>BROOKLYN, NY 11219 | $ 1,015,000. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |
| 2 | OCEANSIDE CARE CENTER INC<br>2914 LINCOLN AVENUE<br>OCEANSIDE, NY 11572 | $ 67,500. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |
| 3 | PARK TERRACE CARE CENTER INC<br>59-20 VAN DOREN STREET<br>FLUSHING, NY 11368 | $ 225,000. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |
| 4 | QUEENS NASSAU NURSING HOME<br>520 BEACH 19TH STREET<br>FAR ROCKAWAY, NY 11691 | $ 150,000. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |
| 5 | BEACH TERRACE CARE CENTER INC<br>640 WEST BROADWAY<br>LONG BEACH, NY 11561 | $ 50,000. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |
| 6 | LONG BEACH GRANDELL CORP<br>645 WEST BROADWAY<br>LONG BEACH, NY 11561 | $ 250,000. | Person [X]<br>Payroll [ ]<br>Noncash [ ]<br>(Complete Part II if there is a noncash contribution.) |

FORM 990PF, PART I - INTEREST ON TEMPORARY CASH INVESTMENTS

| DESCRIPTION | | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME |
|---|---|---|---|
| METROPOLITAN NATIONAL BANK | | 28,062. | 28,062. |
| | TOTAL | 28,062. | 28,062. |

FORM 990PF, PART I - DIVIDENDS AND INTEREST FROM SECURITIES

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME |
|---|---|---|
| INTEREST - SMITH BARNEY | 190. | 190. |
| DIVIDENDS - THIRD AVE FUNDS | 4,236. | 4,236. |
| INTEREST FROM K-1S | 89,393. | 89,393. |
| INTEREST FROM PARTICIPATION LOANS | 70,539. | 70,539. |
| DIVIDENDS FROM K-1'S | 49,049. | 49,049. |
| INTEREST FROM US OBLIGATIONS K-1 | 781. | 781. |
| DIVIDENDS - SMITH BARNEY | 31,844. | 31,844. |
| INTEREST - WELLS FARGO | 534. | 534. |
| DIVIDENDS - WELLS FARGO | 88,049. | 88,049. |
| TOTAL | 334,615. | 334,615. |

FORM 990PF, PART I - OTHER INCOME

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME |
|---|---|---|
| INCOME/ LOSS FROM PARTNERSHIPS | -981,455. | 85,408. |
| RENTAL INCOME | -79,401. | -79,401. |
| BOOK/TAX DIFFERENCES | 1,058,059. | |
| ROYALTY INCOME | 39. | 39. |
| OTHER INCOME | 220. | 220. |
| TOTALS | -2,538. | 6,266. |

FORM 990PF, PART I - OTHER PROFESSIONAL FEES

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME |
|---|---|---|
| PROFESSIONAL FEES PER K-1 | 46,744. | 46,744. |
| TOTALS | 46,744. | 46,744. |

FORM 990PF, PART I - INTEREST EXPENSE

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME |
|---|---|---|
| INVESTMENT INTEREST EXPENSES | 24,532. | 24,395. |
| TOTALS | 24,532. | 24,395. |

FORM 990PF, PART I - TAXES

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS |
|---|---|
| FOREIGN TAXES | 6,600. |
| FEDERAL TAXES - PER K-1 | 63. |
| NYS CORPORATE TAXES | 250. |
| TOTALS | 6,913. |

## FORM 990PF, PART I - OTHER EXPENSES

| DESCRIPTION | REVENUE AND EXPENSES PER BOOKS | NET INVESTMENT INCOME | CHARITABLE PURPOSES |
|---|---|---|---|
| PORTFOLIO EXPENSES | 118,427. | 118,427. | |
| BANK CHARGES | 127. | 127. | |
| NON-DEDUCTIBLE EXPENSES PER K1 | 1,148. | | |
| FILING FEES | 1,500. | | 1,500. |
| INVESTMENT EXPENSE | 25. | 25. | |
| TOTALS | 121,227. | 118,579. | 1,500. |

FORM 990PF, PART II - CORPORATE STOCK

ATTACHMENT 8

| DESCRIPTION | ENDING BOOK VALUE | ENDING FMV |
|---|---|---|
| SB#2-COMMON STOCK | | |
| SB#2- MUTUAL FUNDS | | |
| SB#3-COMMON STOCK | | |
| 176,920 METBANK HOLDING CORP | 1,429,738. | 1,429,738. |
| THIRD AVENUE VALUE FUND | 223,677. | 176,432. |
| 50000 CITIGROUP (WELLS FARGO) | 214,705. | 165,500. |
| WF#2-STOCKS,OPTIONS - STMT 8.1 (p. 5/5) | 3,166,446. | 2,578,005. |
| WF#2 - MUTUAL FUNDS - STMT 8.2 (p. 3/3) | 3,347,106. | 2,940,203. |
| WF#3-STOCKS,OPTIONS - STMT 8.3 (p. 2/2) | 219,595. | 319,634. |
| TOTALS | 8,601,267. | 7,609,512. |

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 8534-6288

# Portfolio detail

## Cash and Sweep Balances

Bank Deposit Sweep - Consists of monies held in one or more FDIC-insured depository account(s) established with Wells Fargo Bank, N A Additional funds over $250,000 are deposited at one or more additional banks affiliated with Wells Fargo Advisors These assets are not covered by SIPC, but are instead covered by FDIC insurance in accordance with FDIC rules. For additional information on the Bank Deposit Sweep for your account please contact Your Financial Advisor

| DESCRIPTION | % OF ACCOUNT | ANNUAL PERCENTAGE YIELD EARNED* | CURRENT MARKET VALUE | ESTIMATED ANNUAL INCOME |
|---|---|---|---|---|
| BANK DEPOSIT SWEEP<br>Interest Period 12/01/09 - 12/31/09 | 4.71 | 0.11 | 272,856 98 | 300.14 |
| **Total Cash and Sweep Balances** | **4.71** | | **$272,856.98** | **$300.14** |

* APY measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield is expressed as an annualized rate, based on a 365- or 366-day year (as applicable)

## Stocks and Options

### Stocks

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| ALCATEL-LUCENT ADR<br>ALU - HELD IN MARGIN<br>Acquired 03/04/05 L | 0.11 | 1,952 | 15 88 | 31,005 00 | 3.3200 | 6,480 64 | - 24,524.36 | N/A | N/A |
| ALTRIA GROUP INC<br>MO - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | | 2,900 | 7.91 | 22,932 09 | | 56,927 00 | 33,994.91 | | |
| Acquired 04/22/03 L | | 75 | 15.32 | 1,149.36 | | 1,472 25 | 322 89 | | |
| Acquired 01/17/06 L | | 2,025 | 17 65 | 35,746 76 | | 39,750 73 | 4,003 97 | | |
| Reinvestments S | | 193 .34400 | 17.23 | 3,332 99 | | 3,795.36 | 462 37 | | |
| **Total** | **1.76** | **5,193 .34400** | | **$63,161.20** | **19.6300** | **$101,945.34** | **$38,784.14** | **$7,062.94** | **6.93** |
| AMGEN INC<br>AMGN - HELD IN MARGIN | | | | | | | | | |
| Acquired 07/28/03 L | | 140 | 62 64 | 8,770 00 | | 7,919.80 | - 850 20 | | |
| Acquired 12/17/04 L | | 360 | 63 74 | 22,980 20 | | 20,365 20 | - 2,615 00 | | |
| **Total** | **0.49** | **500** | | **$31,750.20** | **56.5700** | **$28,285.00** | **- $3,465.20** | **N/A** | **N/A** |
| BERKSHIRE BANCORP INC<br>BERK - HELD IN MARGIN | | | | | | | | | |
| Acquired 06/04/04 L | | 3,000 | 18.00 | 54,245 00 | | 18,000 00 | - 36,245 00 | | |
| Acquired 06/08/04 L | | 100 | 18 00 | 1,808.00 | | 600.00 | - 1,208 00 | | |

Stmt 8.1
1/5

NK3 PNAO

WELLS FARGO ADVISORS

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER 8534-6288

# Stocks and Options

## Stocks continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| Acquired 06/08/04 L | | 290 | 17.93 | 5,228.20 | | 1,740 00 | - 3,488.20 | | |
| Acquired 06/09/04 L | | 378 | 17 99 | 6,836.94 | | 2,268 00 | - 4,568.94 | | |
| Acquired 06/14/04 L | | 400 | 17 32 | 6,962.00 | | 2,400.00 | - 4,562.00 | | |
| Acquired 06/14/04 L | | 100 | 17.20 | 1,733.00 | | 600.00 | - 1,133.00 | | |
| Acquired 06/15/04 L | | 100 | 17.00 | 1,713.00 | | 600.00 | - 1,113 00 | | |
| Acquired 06/21/04 L | | 632 | 16.00 | 10,167 56 | | 3,792.00 | - 6,375.56 | | |
| Acquired 02/24/05 L | | 462 | 20.25 | 9,397.46 | | 2,772 00 | - 6,625.46 | | |
| Acquired 02/28/05 L | | 6 | 20.25 | 126 98 | | 36.00 | - 90.98 | | |
| Acquired 03/02/05 L | | 32 | 20.25 | 655 56 | | 192 00 | - 463.56 | | |
| **Total** | **0.57** | **5,500** | | **$98,873.70** | **6.0000** | **$33,000.00** | **- $65,873.70** | **N/A** | **N/A** |
| BIOTECH HOLDERS TR DEPOSITARY RCPTS | | | | | | | | | |
| BBH - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | 1 35 | 800 | 198 29 | 158,630.00 | 97.5400 | 78,032 00 | - 80,598.00 | N/A | N/A |
| BURLINGTON NORTHN SANTA FE CORP | | | | | | | | | |
| BNI - HELD IN MARGIN | | | | | | | | | |
| Acquired 04/22/03 L | | 75 | 27 56 | 2,067.00 | | 7,396 50 | 5,329.50 | | |
| Acquired 12/17/04 L | | 425 | 46 28 | 19,708 00 | | 41,913 50 | 22,205.50 | | |
| Acquired 01/17/06 L | | 1,000 | 68.51 | 68,577 50 | | 98,619 99 | 30,042.49 | | |
| Reinvestments S | | 15 .63400 | 76 96 | 1,203.22 | | 1,541 83 | 338.61 | | |
| **Total** | **2.58** | **1,515 .63400** | | **$91,555.72** | **98.6200** | **$149,471.82** | **$57,916.10** | **$2,425.01** | **1.62** |
| CHUBB CORP | | | | | | | | | |
| CB - HELD IN MARGIN | | | | | | | | | |
| Acquired 11/04/03 L | | 100 | 33 45 | 3,348.00 | | 4,918.00 | 1,570.00 | | |
| Acquired 12/17/04 L | | 900 | 38 27 | 34,488.50 | | 44,261 99 | 9,773.49 | | |
| Reinvestments S | | 15 56600 | 45 16 | 702.97 | | 765 54 | 62 57 | | |
| **Total** | **0.86** | **1,015 .56600** | | **$38,539.47** | **49.1800** | **$49,945.53** | **$11,406.06** | **$1,421.79** | **2.85** |
| CIRRUS LOGIC INC | | | | 289, 308 | (388) | | | | |
| CRUS - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | 1 77 | 15,000 | 19.31 | 289,696 00 | 6 8200 | 102,300 00 | - 187,396 00 | N/A | N/A |
| CSX CORP | | | | | | | | | |
| CSX - HELD IN MARGIN | | | | | | | | | |
| Acquired 04/25/03 L | | 150 | 15 56 | 2,335.00 | | 7,273 50 | 4,938.50 | | |
| Acquired 12/17/04 L | | 850 | 19 64 | 16,737 25 | | 41,216 49 | 24,479.24 | | |
| Acquired 01/17/06 L | | 2,000 | 25.42 | 50,907.50 | | 96,980.00 | 46,072.50 | | |
| Reinvestments S | | 46 38200 | 42 93 | 1,991.27 | | 2,249.07 | 257 80 | | |
| **Total** | **2.55** | **3,046 .38200** | | **$71,971.02** | **48.4900** | **$147,719.06** | **$75,748.04** | **$2,680.81** | **1.81** |

Stmt 8.1
2/5

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 8534-6288

# Stocks and Options

## Stocks continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| DOLLAR THRIFTY AUTOMOTIVE GROUP DTG - HELD IN MARGIN | | | | | | | | | |
| Acquired 09/25/07 L | | 2,000 | 33.08 | 66,256 80 | | 51,220 00 | - 15,036 80 | | |
| Acquired 02/04/08 L | | 3,000 | 16.33 | 49,106.60 | | 76,830 00 | 27,723 40 | | |
| **Total** | **2.21** | **5,000** | | **$115,363.40** | **25.6100** | **$128,050.00** | **$12,686.60** | **N/A** | **N/A** |
| GROUP 1 AUTOMOTIVE INC GPI - HELD IN MARGIN | | | | | | | | | |
| Acquired 11/01/05 L | | 1,000 | 28.84 | 28,919 00 | | 28,350 00 | - 569.00 | | |
| Acquired 09/25/07 L | | 5,000 | 33 41 | 167,354.50 | | 141,750.00 | - 25,604 50 | | |
| **Total** | **2.94** | **6,000** | | **$196,273.50** | **28.3500** | **$170,100.00** | **- $26,173.50** | **N/A** | **N/A** |
| HOME DEPOT INC HD - HELD IN MARGIN | | | | | | | | | |
| Acquired 10/02/07 L | | 5,000 | 33.39 | 167,205.00 | | 144,649.95 | - 22,555.05 | | |
| Reinvestments S | | 128 .88300 | 26 42 | 3,406.14 | | 3,728.63 | 322.49 | | |
| **Total** | **2.56** | **5,128 .88300** | | **$170,611.14** | **28.9300** | **$148,378.58** | **- $22,232.56** | **$4,615.99** | **3.11** |
| HOVNANIAN ENTERPRISES INC CL A HOV - HELD IN MARGIN | | | | | | | | | |
| Acquired 07/21/05 L | 0 03 | 500 | 71 09 | 35,585.00 | 3 8400 | 1,920 00 | - 33,665 00 | N/A | N/A |
| JOHNSON & JOHNSON JNJ - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | | 9,000 | 38 02 | 342,242.00 | | 579,689 91 | 237,447 91 | | |
| Reinvestments S | | 221 .17200 | 60.32 | 13,342.82 | | 14,245.77 | 902.95 | | |
| **Total** | **10.26** | **9,221 .17200** | | **$355,584.82** | **64.4100** | **$593,935.68** | **$238,350.86** | **$18,073.49** | **3.04** |
| LEHMAN BROTHERS HOLDINGS INC LEHMQ - HELD IN MARGIN | | | | | | | | | |
| Acquired 02/24/06 L | | 2,000 | 74 37 | 148,811 13 | 0 0780 | 156 00 | - 148,655 13 | N/A | N/A |
| LOWES COMPANIES INC LOW - HELD IN MARGIN | | | | | | | | | |
| Acquired 04/22/03 L | | 220 | 22 85 | 5,027.00 | | 5,145 80 | 118 80 | | |
| Acquired 12/17/04 L | | 780 | 28.61 | 22,355.90 | | 18,244 19 | - 4,111 71 | | |
| Reinvestments S | | 8 59400 | 20 98 | 180 37 | | 201 02 | 20.65 | | |
| **Total** | **0.41** | **1,008 .59400** | | **$27,563.27** | **23.3900** | **$23,591.01** | **- $3,972.26** | **$363.09** | **1.54** |

Stmt 8.1
3/5

JK3 PNAO

WELLS FARGO ADVISORS

RUBIN FAMILY FOUNDATION #2

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 8534-6288

# Stocks and Options

## Stocks continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| METLIFE INC<br>MET - HELD IN MARGIN | | | | | | | | | |
| Acquired 05/13/03 L | | 100 | 28 35 | 2,835 00 | | 3,535.01 | 700 01 | | |
| Acquired 12/17/04 L | | 400 | 39 89 | 15,993 00 | | 14,140.00 | - 1,853.00 | | |
| Acquired 01/17/06 L | | 1,000 | 50.17 | 50,241.50 | | 35,349.99 | - 14,891.51 | | |
| Reinvestments S | | 30 56700 | 36.31 | 1,110.00 | | 1,080.54 | - 29.46 | | |
| **Total** | **0.93** | **1,530 .56700** | | **$70,179.50** | **35.3500** | **$54,105.54** | **- $16,073.96** | **$1,132.61** | **2.09** |
| NORFOLK SOUTHERN CORP<br>NSC - HELD IN MARGIN | | | | | | | | | |
| Acquired 04/22/03 L | | 175 | 20 06 | 3,511.00 | | 9,173 50 | 5,662.50 | | |
| Acquired 12/17/04 L | | 325 | 34 71 | 11,311.75 | | 17,036 50 | 5,724 75 | | |
| Reinvestments S | | 6 .80600 | 50.13 | 341.19 | | 356 77 | 15.58 | | |
| **Total** | **0.46** | **506 .80600** | | **$15,163.94** | **52.4200** | **$26,566.77** | **$11,402.83** | **$689.25** | **2.59** |
| NUVASIVE INC<br>NUVA - HELD IN MARGIN | | | | | | | | | |
| Acquired 09/26/07 L | 1 66 | 3,000 | 37.04 | 111,254.55 | 31 9800 | 95,940.00 | - 15,314 55 | N/A | N/A |
| PFIZER INCORPORATED<br>PFE - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | | 3,886 | 31.93 | 124,075.00 | | 70,686 30 | - 53,388 70 | | |
| Acquired 01/02/03 L | | 9,000 | 34.59 | 311,302.00 | | 163,710.00 | - 147,592.00 | | |
| Reinvestments S | | 237 92900 | 17.41 | 4,143.69 | | 4,327.96 | 184.27 | | |
| **Total** | **4.12** | **13,123 .92900** | | **$439,520.69** | **18.1900** | **$238,724.26** | **- $200,796.43** | **$9,449.22** | **3.96** |
| PHILIP MORRIS<br>INTERNATIONAL INC<br>PM - HELD IN MARGIN | | | | | | | | | |
| Acquired 01/02/03 L | | 2,900 | 18 01 | 52,255 34 | | 139,751 00 | 87,495 66 | | |
| Acquired 04/22/03 L | | 75 | 34.92 | 2,619.04 | | 3,614.26 | 995.22 | | |
| Acquired 01/17/06 L | | 2,025 | 40.22 | 81,455 72 | | 97,584.73 | 16,129.01 | | |
| Reinvestments S | | 119 .85000 | 47.02 | 5,636.05 | | 5,775.58 | 139.53 | | |
| **Total** | **4.26** | **5,119 .85000** | | **$141,966.15** | **48.1900** | **$246,725.57** | **$104,759.42** | **$11,878.05** | **4.81** |
| PULTE HOMES INC<br>PHM - HELD IN MARGIN | | | | | | | | | |
| Acquired 07/21/05 L | 0.17 | 1,000 | 45 94 | 45,985 00 | 10 0000 | 10,000.00 | - 35,985.00 | N/A | N/A |
| RADIAN GROUP INC<br>RDN - HELD IN MARGIN | | | | | | | | | |
| Acquired 09/26/07 L | | 5,000 | 22.51 | 112,786 50 | | 36,549 95 | - 76,236 55 | | |

Stmt 8.1
4/5

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER 8534-6288

## Stocks and Options

### Stocks continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| Reinvestments S | | 7 97800 | 4.70 | 37 53 | | 58 36 | 20 83 | | |
| **Total** | **0.63** | **5,007 .97800** | | **$112,824.03** | **7.3100** | **$36,608.31** | **- $76,215.72** | **$50.07** | **0.14** |
| SINOPEC SHANGHAI SPONS ADR<br>SHI - HELD IN MARGIN<br>Acquired 10/25/07 L | 1 01 | 1,500 | 81 31 | 122,071 85 | 39.1000 | 58,650.00 | - 63,421.85 | N/A | N/A |
| TEXTRON INC<br>TXT - HELD IN MARGIN | | | | | | | | | |
| Acquired 07/14/03 L | | 200 | 19.34 | 3,869.00 | | 3,762 01 | - 106 99 | | |
| Acquired 12/17/04 L | | 800 | 35.96 | 28,805.00 | | 15,047 99 | - 13,757.01 | | |
| Reinvestments S | | 3 07400 | 13.02 | 40 04 | | 57 82 | 17 78 | | |
| **Total** | **0.33** | **1,003 .07400** | | **$32,714.04** | **18.8100** | **$18,867.82** | **- $13,846.22** | **$80.24** | **0.43** |
| TOLL BROTHERS<br>TOL - HELD IN MARGIN | | | | | | | | | |
| Acquired 07/21/05 L | | 500 | 56.07 | 28,075 00 | | 9,405.00 | - 18,670 00 | | |
| Acquired 07/26/05 L | | 500 | 54.62 | 27,350 00 | | 9,405 00 | - 17,945.00 | | |
| **Total** | **0.32** | **1,000** | | **$55,425.00** | **18.8100** | **$18,810.00** | **- $36,615.00** | **N/A** | **N/A** |
| VERISIGN INC<br>VRSN - HELD IN MARGIN<br>Acquired 01/02/03 L | 0 17 | 400 | 236 89 | 94,755 00 | 24.2400 | 9,696 00 | - 85,059 00 | N/A | N/A |
| **Total Stocks** | **44.52** | | | **$3,166,834.32** | | **$2,578,004.93** | **- $588,829.39** | **$59,922.56** | **2.32** |
| **Total Stocks and Options** | **44.52** | | | **$3,166,834.32** | | **$2,578,004.93** | **- $588,829.39** | **$59,922.56** | **2.32** |

(388) p. 2/5
3,166,446.32

## Mutual Funds

Mutual fund shares are priced at net asset value Estimated Annual Income and Yield refer to Dividends and Interest Income only, and typically do not reflect Total return
If a portion of your fund position was converted, the 'Client Investment' value may include reinvestments from previously held positions.

Stmt 8.1
5/5

WELLS FARGO ADVISORS

RUBIN FAMILY FOUNDATION #2

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER 8534-6288

# Mutual Funds

## Open End Mutual Funds

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| CAPITAL WORLD GROWTH & INCOME FD INC CLASS A CWGIX - HELD IN MARGIN On Reinvestment | | | | | | | | | |
| Acquired 03/02/05 L | | 7,192 .17500 | 34 76 | 250,000 00 | | 245,109 25 | - 4,890.75 | | |
| Acquired 03/09/05 L | | 1,428 .98000 | 34 99 | 50,000.00 | | 48,699 64 | - 1,300.36 | | |
| Acquired 12/19/05 L | | 8,137 89700 | 38 10 | 310,053 88 | | 277,339 53 | - 32,714 35 | | |
| Acquired 01/17/06 L | | 3,994 67400 | 37 55 | 150,000 00 | | 136,138.49 | - 13,861.51 | | |
| Acquired 01/20/06 L | | 2,693 .24000 | 37 13 | 100,000.00 | | 91,785 62 | - 8,214 38 | | |
| Acquired 02/24/06 L | | 2,617 .11600 | 38 21 | 100,000.00 | | 89,191 31 | - 10,808.69 | | |
| Acquired 09/13/06 L | | 5,000 | 40.00 | 200,000.00 | | 170,400.00 | - 29,600 00 | | |
| Acquired 07/26/07 L | | 1,091 .94100 | 45.79 | 50,000 00 | | 37,213.35 | - 12,786 65 | | |
| Reinvestments L | | 8,030 56200 | 40.47 | 325,009.09 | | 273,681 59 | - 51,327.50 | | |
| Reinvestments S | | 1,249 .83300 | 28.62 | 35,779 83 | | 42,594.34 | 6,814.51 | | |
| **Total** | **24.39** | **41,436 .41800** | | **$1,570,842.80** | **34.0800** | **$1,412,153.12** | **- $158,689.68** | **$33,149.13** | **2.35** |
| | Client Investment (Excluding Reinvestments) | | | | $1,210,053.88 | | | | |
| | Gain/Loss on Client Investment (Including Reinvestments) | | | | $202,099.24 | | | | |
| FIDELITY ADVISOR NEW INSIGHTS FD CLASS A HELD IN MARGIN On Reinvestment | | | | | | | | | |
| Acquired 01/17/06 L | | 3,982 83100 | 17.64 | 70,257.15 | | 68,663 97 | - 1,593.18 | | |
| Acquired 01/20/06 L | | 4,342 79100 | 17 27 | 75,000 00 | | 74,869 72 | - 130.28 | | |
| Acquired 02/24/06 L | | 2,895 .19400 | 17.27 | 50,000 00 | | 49,913.14 | - 86.86 | | |
| Reinvestments L | | 365 96600 | 20.62 | 7,548.97 | | 6,309 28 | - 1,239 69 | | |
| Reinvestments S | | 6.73700 | 17 19 | 115 87 | | 116.15 | 0.28 | | |
| **Total** | **3.45** | **11,593 .51900** | | **$202,921.99** | **17.2400** | **$199,872.26** | **- $3,049.73** | **N/A** | **N/A** |
| | Client Investment (Excluding Reinvestments) | | | | $195,257.15 | | | | |
| | Gain/Loss on Client Investment (Including Reinvestments) | | | | $4,615 11 | | | | |
| DAVIS NEW YORK VENTURE FUND CL A NYVTX - HELD IN MARGIN On Reinvestment | | | | | | | | | |
| Acquired 01/17/06 L | | 1,986 65800 | 34 60 | 68,738 40 | | 61,546 64 | - 7,191 76 | | |
| Acquired 01/20/06 L | | 2,198 76900 | 34 11 | 75,000 00 | | 68,117 86 | - 6,882 14 | | |
| Acquired 02/24/06 L | | 1,448 43600 | 34 52 | 50,000.00 | | 44,872 56 | - 5,127 44 | | |
| Reinvestments L | | 193 23700 | 30 71 | 5,935.05 | | 5,986 49 | 51 44 | | |

Stmt 8.2
1/3

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER 8534-6288

# Mutual Funds

## Open End Mutual Funds continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| Reinvestments S | | 40 09500 | 30 51 | 1,223.69 | | 1,242.15 | 18 46 | | |
| **Total** | **3.14** | **5,867 .19500** | | **$200,897.14** | **30.9800** | **$181,765.70** | **- $19,131.44** | **$1,232.11** | **0.68** |
| | Client Investment (Excluding Reinvestments) | | | | $193,738.40 | | | | |
| | Gain/Loss on Client Investment (Including Reinvestments) | | | | -$11,972.70 | | | | |
| OPPENHEIMER DEVL MKTS MARKETS FUNDS CL A ODMAX - HELD IN MARGIN | | | | | | | | | |
| On Reinvestment | | | | | | | | | |
| Acquired 02/21/06 L | | 324 .35800 | 39 27 | 12,737.54 | | 9,328 53 | - 3,409 01 | | |
| Reinvestments L | | 321 48900 | 22 83 | 7,341.78 | | 9,246 02 | 1,904.24 | | |
| Reinvestments S | | 2.63100 | 28 52 | 75 05 | | 75 67 | 0.62 | | |
| **Total** | **0.32** | **648 .47800** | | **$20,154.37** | **28.7600** | **$18,650.22** | **- $1,504.15** | **$75.22** | **0.40** |
| | Client Investment (Excluding Reinvestments) | | | | $12,737 54 | | | | |
| | Gain/Loss on Client Investment (Including Reinvestments) | | | | $5,912 68 | | | | |
| OPPENHEIMER INTL SMALL CO FD CL A OSMAX - HELD IN MARGIN | | | | | | | | | |
| On Reinvestment | | | | | | | | | |
| Acquired 02/24/06 L | | 697 .25800 | 22 32 | 15,562 79 | | 13,666 25 | - 1,896.54 | | |
| Acquired 01/05/07 L | | 4,809 54200 | 25.99 | 125,000 00 | | 94,267 02 | - 30,732 98 | | |
| Acquired 01/05/07 L | | 4,809 .54200 | 25.99 | 125,000.00 | | 94,267 02 | - 30,732.98 | | |
| Reinvestments L | | 2,200 .53400 | 27 41 | 60,328 96 | | 43,130 47 | - 17,198.49 | | |
| Reinvestments S | | 464 48900 | 18 80 | 8,737.03 | | 9,103.99 | 366.96 | | |
| **Total** | **4.39** | **12,981 .36500** | | **$334,628.78** | **19.6000** | **$254,434.75** | **- $80,194.03** | **$9,060.99** | **3.56** |
| | Client Investment (Excluding Reinvestments) | | | | $265,562 79 | | | | |
| | Gain/Loss on Client Investment (Including Reinvestments) | | | | -$11,128 04 | | | | |
| JPMORGAN TR I INTREPID EUROPEAN FUND CLASS A HELD IN MARGIN | | | | | | | | | |
| On Reinvestment | | | | | | | | | |
| Acquired 01/05/07 L | | 4,221 79500 | 28 04 | 118,379.25 | | 73,628 06 | - 44,751 19 | | |
| Acquired 07/26/07 L | | 1,594 .89600 | 31 35 | 50,000 00 | | 27,815 00 | - 22,185 00 | | |
| Reinvestments L | | 1,346 94200 | 22 48 | 30,280 18 | | 23,490 68 | - 6,789 50 | | |

Stmt 8.2
2|3

WELLS FARGO ADVISORS

**RUBIN FAMILY FOUNDATION #2**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER 8534-6288

# Mutual Funds

## Open End Mutual Funds continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| Reinvestments S | | 149 72300 | 17 16 | 2,570.74 | | 2,611 18 | 40.44 | | |
| **Total** | **2.20** | **7,313 .35600** | | **$201,230.17** | **17.4400** | **$127,544.92** | **- $73,685.25** | **$2,625.49** | **2.06** |
| Client Investment (Excluding Reinvestments) | | | | | | $168,379 25 | | | |
| Gain/Loss on Client Investment (Including Reinvestments) | | | | | | -$40,834 33 | | | |
| ROYCE FUND<br>VALUE PLUS FUND<br>SERVICE CLASS<br>RYVPX - HELD IN MARGIN<br>On Reinvestment | | | | | | | | | |
| Acquired 04/14/05 L | | 22,935 .78000 | 10 90 | 250,000.00 | | 257,797 94 | 7,797 94 | | |
| Acquired 09/26/06 L | | 15,700 .96900 | 12.74 | 200,000 00 | 204,155.62 | 176,479.05 | - 23,520 95 | | |
| Reinvestments L | | 4,237 .68700 | 12.19 | 51,662 46 | | 47,631 67 | - 4,030.79 | | |
| **Total** | **8.32** | **42,874 .43600** | | **$501,662.46** | **11.2400** | **$481,908.66** | **- $19,753.80** | **N/A** | **N/A** |
| Client Investment (Excluding Reinvestments) | | | | | | $450,000 00 | | | |
| Gain/Loss on Client Investment (Including Reinvestments) | | | | | | $31,908.66 | | | |
| THIRD AVE TR<br>CALUE TR<br>INSTITUTIONAL CLASS<br>TAVFX - HELD IN MARGIN<br>On Reinvestment | | | | | | | | | |
| Acquired 03/04/05 L | | 4,594 74400 | 54 41 | 250,000.00 | | 212,828 50 | - 37,171.50 | | |
| Reinvestments L | | 962 27900 | 56 40 | 54,278 03 | | 44,572 80 | - 9,705 23 | | |
| Reinvestments S | | 139 72200 | 45.34 | 6,335.01 | | 6,471 92 | 136 91 | | |
| **Total** | **4.56** | **5,696 .74500** | | **$310,613.04** | **46.3200** | **$263,873.22** | **- $46,739.82** | **$6,494.28** | **2.46** |
| Client Investment (Excluding Reinvestments) | | | | | | $250,000.00 | | | |
| Gain/Loss on Client Investment (Including Reinvestments) | | | | | | $13,873 22 | | | |
| **Total Open End Mutual Funds** | **50.77** | | | **$3,342,950.75** | | **$2,940,202.85** | **- $402,747.90** | **$52,637.22** | **1.79** |
| **Total Mutual Funds** | **50.77** | | | **$3,342,950.75** | | **$2,940,202.85** | **- $402,747.90** | **$52,637.22** | **1.79** |

4,155.62 (P. 3/3)

3,347,106.37

Stmt 8.2
3/3

**RUBIN FAMILY FOUNDATION #3**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER: 2374-6262

## Additional information

| | THIS PERIOD | THIS YEAR |
|---|---|---|
| Gross proceeds | 0 00 | 158,205 08 |

# Portfolio detail

## Cash and Sweep Balances

Bank Deposit Sweep - Consists of monies held in one or more FDIC-insured depository account(s) established with Wells Fargo Bank, N A Additional funds over $250,000 are deposited at one or more additional banks affiliated with Wells Fargo Advisors These assets are not covered by SIPC, but are instead covered by FDIC insurance in accordance with FDIC rules For additional information on the Bank Deposit Sweep for your account please contact Your Financial Advisor

| DESCRIPTION | % OF ACCOUNT | ANNUAL PERCENTAGE YIELD EARNED* | CURRENT MARKET VALUE | ESTIMATED ANNUAL INCOME |
|---|---|---|---|---|
| BANK DEPOSIT SWEEP Interest Period 12/01/09 - 12/31/09 | 36.78 | 0.11 | 185,938.99 | 204 53 |
| **Total Cash and Sweep Balances** | **36.78** | | **$185,938.99** | **$204.53** |

* APY measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield is expressed as an annualized rate, based on a 365- or 366-day year (as applicable)

## Stocks and Options

### Stocks

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| BANK OF AMERICA CORP BAC - HELD IN MARGIN On Reinvestment | | | | | | | | | |
| Acquired 10/08/08 L | | 1,000 | 22 98 | 22,993.00 | | 15,060 01 | - 7,932 99 | | |
| Acquired 01/28/09 S | | 2,000 | 7 27 | 14,661.00 | | 30,119 98 | 15,458 98 | | |
| Acquired 02/20/09 S | | 1,000 | 3 25 | 3,288.00 | | 15,059.99 | 11,771.99 | | |
| Reinvestments S | | 8 23100 | 14 58 | 120.08 | | 123 97 | 3 89 | | |
| **Total** | **11.94** | **4,008 .23100** | | **$41,062.08** | **15.0600** | **$60,363.95** | **$19,301.87** | **$160.32** | **0.27** |
| CITIGROUP INC C - HELD IN MARGIN | | | | | | | | | |
| Acquired 02/20/09 S | | 5,000 | 2 01 | 10,056.00 | | 16,550 00 | 6,494.00 | | |
| Acquired 09/15/09 S | | 5,000 | 4 24 | 21,404.50 | | 16,550 00 | - 4,854.50 | | |
| **Total** | **6.55** | **10,000** | | **$31,460.50** | **3.3100** | **$33,100.00** | **$1,639.50** | **N/A** | **N/A** |

Stmt 8.3
1/2

WELLS FARGO | ADVISORS

**RUBIN FAMILY FOUNDATION #3**

DECEMBER 1 - DECEMBER 31, 2009
ACCOUNT NUMBER· 2374-6262

# Stocks and Options

## Stocks continued

| DESCRIPTION | % OF ACCOUNT | QUANTITY | ADJ PRICE/ ORIG PRICE | ADJ COST/ ORIG COST | CURRENT PRICE | CURRENT MARKET VALUE | UNREALIZED GAIN/LOSS | ESTIMATED ANNUAL INCOME | ESTIMATED ANNUAL YIELD (%) |
|---|---|---|---|---|---|---|---|---|---|
| DIREXIONSHARES ET FINANCIAL BULL 3X SHARES NON-TRADITIONAL ETF FAS - HELD IN MARGIN | | | | | | | | | |
| Acquired 03/25/09 S | | 1,000 | 31 05 | 31,053 00 | | 74,129.99 | 43,076.99 | | |
| Reinvestments S | | 3 12020 | 71.25 | 222.33 | | 231.31 | 8.98 | | |
| **Total** | **14.71** | **1,003 .12020** | | **$31,275.33** | **74.1300** | **$74,361.30** | **$43,085.97** | **N/A** | **N/A** |
| DRYSHIPS INC DRYS On Reinvestment | | | | | | | | | |
| Acquired 02/20/09 S | 4 60 | 4,000 | 3 61 | 14,476.80 | 5 8200 | 23,280.00 | 8,803.20 | N/A | N/A |
| RADIAN GROUP INC RDN - HELD IN MARGIN On Reinvestment | | | | | | | | | |
| Acquired 10/07/08 L | | 1,000 | 4.12 | 4,231.00 | | 7,309.99 | 3,078.99 | | |
| Acquired 10/07/08 L | | 9,000 | 4 13 | 37,188 90 | | 65,789.91 | 28,601.01 | | |
| Reinvestments S | | 15 .95600 | 4.70 | 75 05 | | 116.73 | 41 68 | | |
| **Total** | **14.48** | **10,015 .95600** | | **$41,494.95** | **7.3100** | **$73,216.63** | **$31,721.68** | **$100.15** | **0.14** |
| UNITED STATES STEEL CORP NEW X - HELD IN MARGIN | | | | | | | | | |
| Acquired 10/07/08 L | | 1,000 | 59.57 | 59,675.00 | | 55,119 99 | - 4,555.01 | | |
| Reinvestments S | | 3 48000 | 43 15 | 150 18 | | 191 82 | 41.64 | | |
| **Total** | **10.94** | **1,003 .48000** | | **$59,825.18** | **55.1200** | **$55,311.81** | **- $4,513.37** | **$200.69** | **0.36** |
| **Total Stocks** | **63.22** | | | **$219,594.84** | | **$319,633.69** | **$100,038.85** | **$461.16** | **0.14** |
| **Total Stocks and Options** | **63.22** | | | **$219,594.84** | | **$319,633.69** | **$100,038.85** | **$461.16** | **0.14** |

Stmt 8.3
2/2

FORM 990PF, PART II - OTHER INVESTMENTS

ATTACHMENT 9

| DESCRIPTION | ENDING BOOK VALUE | ENDING FMV |
|---|---|---|
| FACTORY MEMBER LLC | -349,720. | |
| SANFORD BERNSTEIN ABSOLUTE RETURN FUND | 500,000. | 705,312. |
| MET BANK PARTICIPATION CERTIF | 524,013. | 524,013. |
| 30TH PLACE MEZZANINE OWNER LLC | -1,475,671. | |
| LANX FUND LP | 1,653,631. | 1,653,631. |
| COVENANT ADVANTAGE LLC | 856,557. | 856,557. |
| RUBICON PARTNERS LP | 1,292,744. | 1,292,744. |
| LONGVIEW FUND, L.P. | 1,167,401. | 1,167,401. |
| PETUNIA LLC | 3,522,816. | 3,522,816. |
| YEDID ADVANTAGE FUND | 962,137. | 962,137. |
| TOTALS | 8,653,908. | 10,684,611. |

FORM 990PF, PART VIII - LIST OF OFFICERS, DIRECTORS, AND TRUSTEES

ATTACHMENT 10

| NAME AND ADDRESS | TITLE AND AVERAGE HOURS PER WEEK DEVOTED TO POSITION | COMPENSATION | CONTRIBUTIONS TO EMPLOYEE BENEFIT PLANS | EXPENSE ACCT AND OTHER ALLOWANCES |
|---|---|---|---|---|
| LIEBEL RUBIN<br>1441 59TH STREET<br>BROOKLYN, NY 11219 | PRESIDENT | 0. | 0. | 0. |
| DOROTHY RUBIN<br>1441 59TH STREET<br>BROOKLYN, NY 11219 | VICE PRES. | 0. | 0. | 0. |
| SOLOMON RUBIN<br>1441 59TH STREET<br>BROOKLYN, NY 11219 | DIRECTOR | 0. | 0. | 0. |
| SARA HELLER<br>1441 59TH STREET<br>BROOKLYN, NY 11219 | DIRECTOR | 0. | 0. | 0. |
| MARVIN RUBIN<br>1441 59TH STREET<br>BROOKLYN, NY 11219 | DIRECTOR | 0. | 0. | 0. |
| | GRAND TOTALS | 0. | 0. | 0. |

FORM 990PF, PART XV - GRANTS AND CONTRIBUTIONS PAID DURING THE YEAR

ATTACHMENT 11

| RECIPIENT NAME AND ADDRESS | RELATIONSHIP TO SUBSTANTIAL CONTRIBUTOR AND FOUNDATION STATUS OF RECIPIENT | PURPOSE OF GRANT OR CONTRIBUTION | AMOUNT |
|---|---|---|---|
| SEE ATTACHED STATEMENT | NONE<br>CHARITY | CHARITABLE | 826,543 |
| | | TOTAL CONTRIBUTIONS PAID | 826,543 |

The Rubin Family Foundation, Inc
2009 Charitable Listing
EIN: 11-3047773

| Payable to | Address | | Amount | Relationship | Purpose | Status |
|---|---|---|---|---|---|---|
| Bnos Zion of Bobov | 5000 14th Avenue | Brooklyn, New York 11219 | 25,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Bnos Zion of Bobov | 5000 14th Avenue | Brooklyn, New York 11219 | 200,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Cody Inc | 411 Country Road 105 | Monroe, New York | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Cody Inc | 411 Country Road 105 | Monroe, New York | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Bais Moshe Shmiel | 1782 E 28th Street | Brooklyn, New York 11229 | 25,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Bnei Yoel | 411 Country Road 105 | Monroe,New York | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Bnei Yoel | 411 Country Road 105 | Monroe, New York | 25,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Bnei Yoel | 411 Country Road 105 | Monroe, New York | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Dankei Simcha | 961 44th Street | Brooklyn, New York 11219 | 1,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Eitz Chaim D'Bobov | 1577 48th Street | Brooklyn, New York 11219 | 10,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Harchuvas Hadaas | 1467 44th Street | Brooklyn, New York 11219 | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Kozover | 621 Dahill Road | Brooklyn, New York 11218 | 20,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Noam Elimelech | 1402 59th Street | Brooklyn, New York | 500 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Shari Zion | 4715 15th Avenue | Brooklyn, New York 11219 | 65,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Shari Zion | 4715 15th Avenue | Brooklyn, New York 11219 | 25,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Shari Zion | 4715 15th Avenue | Brooklyn, New York 11219 | 35,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Shari Zion | 4715 15th Avenue | Brooklyn, New York 11219 | 5,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Congregation Shari Zion | 4715 15th Avenue | Brooklyn, New York 11219 | 1,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Keren Chasanim D'Bobov | 1736 55th Street | Brooklyn, New York | 5,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Keren Chasanim D'Bobov | 1736 55th Street | Brooklyn, New York | 5,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Keren Ohr Chaim | 1424 49th Street | Brooklyn, New York 11219 | 20,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Kolel Bobov of Monsey | 18 Jill Lane | Monsey, New York 10952 | 7,500 00 | NONE | CHARITABLE | TAX EXEMPT |
| Kolel Chasedei Gur | 1573 51st Street | Brooklyn, New York 11219 | 1,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Kolel Zichron Chaim | 1533 48th Street | Brooklyn, New York | 4,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Kolel Zichron Mordechai Inc | 1441 59th Street | Brooklyn, New York 11219 | 50,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Ladies Auxiliary of Bebover Yeshiva Bnei Zion | 4803 15th Avenue | Brooklyn, New York | 7,500 00 | NONE | CHARITABLE | TAX EXEMPT |
| Mesivta Eitz Chaim D'Bobov | 1577 48th Street | Brooklyn, New York 11219 | 3,600 00 | NONE | CHARITABLE | TAX EXEMPT |
| Pesha Elias B - Cholim of Bobov | 1421 52nd Street | Brooklyn, New York | 1,800 00 | NONE | CHARITABLE | TAX EXEMPT |
| Talmedei Bobov | 4403 15th Avenue | Brooklyn, New York 11219 | 3,600 00 | NONE | CHARITABLE | TAX EXEMPT |
| Yaldei Zion | 4802 48th Street | Brooklyn, New York | 25,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| Yaldei Zion | 4802 48th Street | Brooklyn, New York | 5,000 00 | NONE | CHARITABLE | TAX EXEMPT |
| | | | 826,500 00 | | | |

| | | |
|---|---|---|
| Donation from Wachoiva acct. of (1) share Oppenheimer Intl Small to Hamelech Charitable Foundation | | 22 33 |
| | Lanx Fund (k-1) | 21 00 |
| | | 826,543 33 |

Confidential

Attachment 11.1

**SCHEDULE D (Form 1041)**

Department of the Treasury Internal Revenue Service

# Capital Gains and Losses

▶ **Attach to Form 1041, Form 5227, or Form 990-T. See the instructions for Schedule D (Form 1041) (also for Form 5227 or Form 990-T, if applicable).**

OMB No 1545-0092

**2009**

Name of estate or trust: THE RUBIN FAMILY FOUNDATION, INC.

**Employer identification number**: 11-3047773

**Note:** *Form 5227 filers need to complete **only** Parts I and II.*

## Part I Short-Term Capital Gains and Losses - Assets Held One Year or Less

| (a) Description of property (Example 100 shares 7% preferred of "Z" Co ) | (b) Date acquired (mo , day, yr ) | (c) Date sold (mo , day, yr ) | (d) Sales price | (e) Cost or other basis (see page 4 of the instructions) | (f) Gain or (loss) for the entire year Subtract (e) from (d) |
|---|---|---|---|---|---|
| 1a | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | | | |
|---|---|---|---|
| b | Enter the short-term gain or (loss), if any, from Schedule D-1, line 1b | 1b | 135,506. |
| 2 | Short-term capital gain or (loss) from Forms 4684, 6252, 6781, and 8824 | 2 | |
| 3 | Net short-term gain or (loss) from partnerships, S corporations, and other estates or trusts | 3 | |
| 4 | Short-term capital loss carryover Enter the amount, if any, from line 9 of the 2008 Capital Loss Carryover Worksheet | 4 | ( ) |
| 5 | **Net short-term gain or (loss).** Combine lines 1a through 4 in column (f). Enter here and on line 13, column (3) on the back ▶ | 5 | 135,506. |

## Part II Long-Term Capital Gains and Losses - Assets Held More Than One Year

| (a) Description of property (Example 100 shares 7% preferred of "Z" Co ) | (b) Date acquired (mo , day, yr ) | (c) Date sold (mo , day, yr ) | (d) Sales price | (e) Cost or other basis (see page 4 of the instructions) | (f) Gain or (loss) for the entire year Subtract (e) from (d) |
|---|---|---|---|---|---|
| 6a | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | | | |
|---|---|---|---|
| b | Enter the long-term gain or (loss), if any, from Schedule D-1, line 6b | 6b | -864,249. |
| 7 | Long-term capital gain or (loss) from Forms 2439, 4684, 6252, 6781, and 8824 | 7 | |
| 8 | Net long-term gain or (loss) from partnerships, S corporations, and other estates or trusts | 8 | |
| 9 | Capital gain distributions | 9 | |
| 10 | Gain from Form 4797, Part I | 10 | |
| 11 | Long-term capital loss carryover. Enter the amount, if any, from line 14 of the 2008 Capital Loss Carryover Worksheet | 11 | ( ) |
| 12 | **Net long-term gain or (loss).** Combine lines 6a through 11 in column (f). Enter here and on line 14a, column (3) on the back ▶ | 12 | -864,249. |

**For Paperwork Reduction Act Notice, see the Instructions for Form 1041.**

**Part III** **Summary of Parts I and II**
**Caution:** *Read the instructions* ***before*** *completing this part.*

| | | | (1) Beneficiaries' (see page 5) | (2) Estate's or trust's | (3) Total |
|---|---|---|---|---|---|
| 13 | **Net short-term gain or (loss)** | 13 | | | 135,506. |
| 14 | **Net long-term gain or (loss):** | | | | |
| a | Total for year | 14a | | | -864,249. |
| b | Unrecaptured section 1250 gain (see line 18 of the wrksht.) | 14b | | | |
| c | 28% rate gain | 14c | | | |
| 15 | **Total net gain or (loss).** Combine lines 13 and 14a ▶ | 15 | | | -728,743. |

**Note:** *If line 15, column (3), is a net gain, enter the gain on Form 1041, line 4 (or Form 990-T, Part I, line 4a). If lines 14a and 15, column (2), are net gains, go to Part V, and* **do not** *complete Part IV. If line 15, column (3), is a net loss, complete Part IV and the* **Capital Loss Carryover Worksheet,** *as necessary*

**Part IV** **Capital Loss Limitation**

16 Enter here and enter as a (loss) on Form 1041, line 4 (or Form 990-T, Part I, line 4c, if a trust), the **smaller** of:
a The loss on line 15, column (3) **or** b $3,000 | 16 | ( 3,000.)

**Note:** *If the loss on line 15, column (3), is more than $3,000,* **or** *if Form 1041, page 1, line 22 (or Form 990-T, line 34), is a loss, complete the* **Capital Loss Carryover Worksheet** *on page 7 of the instructions to figure your capital loss carryover.*

**Part V** **Tax Computation Using Maximum Capital Gains Rates**

**Form 1041 filers.** Complete this part **only** if both lines 14a and 15 in column (2) are gains, or an amount is entered in Part I or Part II and there is an entry on Form 1041, line 2b(2), **and** Form 1041, line 22, is more than zero.

**Caution:** *Skip this part and complete the worksheet on page 8 of the instructions if:*

- *Either line 14b, col (2) or line 14c, col (2) is more than zero, or*
- *Both Form 1041, line 2b(1), and Form 4952, line 4g are more than zero*

**Form 990-T trusts.** Complete this part **only** if both lines 14a and 15 are gains, or qualified dividends are included in income in Part I of Form 990-T, **and** Form 990-T, line 34, is more than zero. Skip this part and complete the worksheet on page 8 of the instructions if either line 14b, col (2) or line 14c, col. (2) is more than zero.

| | | | | | |
|---|---|---|---|---|---|
| 17 | Enter taxable income from Form 1041, line 22 (or Form 990-T, line 34) | | 17 | | |
| 18 | Enter the **smaller** of line 14a or 15 in column (2) but not less than zero | 18 | | | |
| 19 | Enter the estate's or trust's qualified dividends from Form 1041, line 2b(2) (or enter the qualified dividends included in income in Part I of Form 990-T) | 19 | | | |
| 20 | Add lines 18 and 19 | 20 | | | |
| 21 | If the estate or trust is filing Form 4952, enter the amount from line 4g, otherwise, enter -0- ▶ | 21 | | | |
| 22 | Subtract line 21 from line 20. If zero or less, enter -0- | | 22 | | |
| 23 | Subtract line 22 from line 17 If zero or less, enter -0- | | 23 | | |
| 24 | Enter the **smaller** of the amount on line 17 or $2,300 | | 24 | | |
| 25 | Is the amount on line 23 equal to or more than the amount on line 24? ☐ **Yes.** Skip lines 25 and 26, go to line 27 and check the "No" box. ☐ **No.** Enter the amount from line 23 | | 25 | | |
| 26 | Subtract line 25 from line 24 | | 26 | | |
| 27 | Are the amounts on lines 22 and 26 the same? ☐ **Yes.** Skip lines 27 thru 30, go to line 31 ☐ **No.** Enter the **smaller** of line 17 or line 22 | | 27 | | |
| 28 | Enter the amount from line 26 (If line 26 is blank, enter -0-) | | 28 | | |
| 29 | Subtract line 28 from line 27 | | 29 | | |
| 30 | Multiply line 29 by 15% (.15) | | | 30 | |
| 31 | Figure the tax on the amount on line 23 Use the 2009 Tax Rate Schedule for Estates and Trusts (see the Schedule G instructions in the instructions for Form 1041) | | | 31 | |
| 32 | Add lines 30 and 31 | | | 32 | |
| 33 | Figure the tax on the amount on line 17 Use the 2009 Tax Rate Schedule for Estates and Trusts (see the Schedule G instructions in the instructions for Form 1041) | | | 33 | |
| 34 | **Tax on all taxable income.** Enter the **smaller** of line 32 or line 33 here and on Form 1041, Schedule G, line 1a (or Form 990-T, line 36) | | | 34 | |

SCHEDULE D-1 (Form 1041)

Department of the Treasury Internal Revenue Service

# Continuation Sheet for Schedule D (Form 1041)

▶ See instructions for Schedule D (Form 1041).
▶ Attach to Schedule D to list additional transactions for lines 1a and 6a.

OMB No 1545-0092

2009

Name of estate or trust: THE RUBIN FAMILY FOUNDATION, INC.

Employer identification number: 11-3047773

**Part I** **Short-Term Capital Gains and Losses - Assets Held One Year or Less**

| (a) Description of property (Example 100 sh 7% preferred of "Z" Co ) | (b) Date acquired (mo , day, yr ) | (c) Date sold (mo , day, yr ) | (d) Sales price (see page 4 of the instructions) | (e) Cost or other basis (see page 4 of the instructions) | (f) Gain or (loss) Subtract (e) from (d) |
|---|---|---|---|---|---|
| 1a BIOTECH HOLDRS TRUST | 04/03/2009 | 04/03/2009 | 66,861. | | 66,861. |
| 1000 FIRST SOLAR INC | 11/06/2008 | 03/25/2009 | 131,549. | 144,195. | -12,646. |
| BIOTECH HOLDERS TR | 11/18/2009 | 11/18/2009 | 1,104. | | 1,104. |
| 4000 BANK OF AMERICA CORP | 02/20/2009 | 05/07/2009 | 58,210. | 13,152. | 45,058. |
| 5000 DIREXIONSHARES | 03/25/2009 | 05/07/2009 | 58,347. | 31,053. | 27,294. |
| 4000 DRYSHIPS INC | 05/19/2008 | 05/07/2009 | 41,648. | 218,443. | -176,795. |
| CAPITAL GAINS THROUGH K-1S -ST | | | 40,801. | | 40,801. |
| CAPITAL GAIN FROM K-1S (ST) | | | 144,324. | | 144,324. |
| SECTION 1231 LOSS FROM K-1 | | | | 495. | -495. |
| | | | | | |
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**1b Total.** Combine the amounts in column (f). Enter here and on Schedule D, line 1b . . . . . . . . . . . . . . . . . . 135,506.

**For Paperwork Reduction Act Notice, see the Instructions for Form 1041.** **Schedule D-1 (Form 1041) 2009**

JSA
9F1221 4 000

| Name of estate or trust as shown on Form 1041 Do not enter name and employer identification number if shown on the other side | Employer identification number |
|---|---|
| | |

**Part II** ` **Long-Term Capital Gains and Losses - Assets Held More Than One Year**

| (a) Description of property (Example 100 sh 7% preferred of "Z" Co ) | (b) Date acquired (mo , day, yr ) | (c) Date sold (mo , day, yr ) | (d) Sales price (see page 4 of the instructions) | (e) Cost or other basis (see page 4 of the instructions) | (f) Gain or (loss) Subtract (e) from (d) |
|---|---|---|---|---|---|
| **6a** 165000 CHARTER COMMUNICATIONS | 11/02/2006 | 12/22/2009 | | 505,017. | -505,017. |
| CAPITAL GAINS THROUGH K-1S -LT | | | | 575,719. | -575,719. |
| CAPITAL GAIN FROM K-1S (LT) | | | 216,487. | | 216,487. |
| | | | | | |
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**6b Total.** Combine the amounts in column (f). Enter here and on Schedule D, line 6b . . . . . . . . . . . . . . . . . . -864,249.

# FORM 990-PF - PART IV
## CAPITAL GAINS AND LOSSES FOR TAX ON INVESTMENT INCOME

| Kind of Property / Description | P or D | Date acquired | Date sold | Gross sale price less expenses of sale | Depreciation allowed/ allowable | Cost or other basis | FMV as of 12/31/69 | Adj basis as of 12/31/69 | Excess of FMV over adj basis | Gain or (loss) |
|---|---|---|---|---|---|---|---|---|---|---|
| BIOTECH HOLDRS TRUST | P | 04/03/2009 | 04/03/2009 | 66,861. | | | | | | 66,861. |
| 1000 FIRST SOLAR INC | P | 11/06/2008 | 03/25/2009 | 131,549. | | 144,195. | | | | -12,646. |
| 165000 CHARTER COMMUNICATIONS | P | 11/02/2006 | 12/22/2009 | | | 505,017. | | | | -505,017. |
| BIOTECH HOLDERS TR | P | 11/18/2009 | 11/18/2009 | 1,104. | | | | | | 1,104. |
| 4000 BANK OF AMERICA CORP | P | 02/20/2009 | 05/07/2009 | 58,210. | | 13,152. | | | | 45,058. |
| 5000 DIREXIONSHARES | P | 03/25/2009 | 05/07/2009 | 58,347. | | 31,053. | | | | 27,294. |
| 4000 DRYSHIPS INC | P | 05/19/2008 | 05/07/2009 | 41,648. | | 218,443. | | | | -176,795. |
| CAPITAL GAINS THROUGH K-1S -ST | P | | | 40,801. | | | | | | 40,801. |
| CAPITAL GAINS THROUGH K-1S -LT | P | | | | | 575,719. | | | | -575,719. |
| CAPITAL GAIN FROM K-1S (ST) | P | | | 144,324. | | | | | | 144,324. |
| CAPITAL GAIN FROM K-1S (LT) | P | | | 216,487. | | | | | | 216,487. |
| SECTION 1231 LOSS FROM K-1 | | | | | | 495. | | | | -495. |
| TOTAL GAIN(LOSS) | | | | | | | | | | -728,743. |